



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,380	06/29/2001	Gary L. Graunke	42390P11153	9543

7590 08/26/2005

Gordon R. Lindeen III
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025-1026

EXAMINER

SHIFERAW, ELENI A

ART UNIT	PAPER NUMBER
----------	--------------

2136

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,380

Applicant(s)

GRAUNKE, GARY L.

Examiner

Eleni A. Shiferaw

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

22

DETAILED ACTION

Response to Amendment

1. Applicant's arguments/amendments with respect to amended claims 1, 12, and 17, and currently pending claims 1-21, filed on **April 14, 2005** have been fully considered but they are not persuasive. The examiner would like to point out that this action is made final (MPEP 706.07a).

Response to Arguments

2. Applicant argues that:

- a. Independent claims 1, 12, and 17 are not taught by Kamiya to include *"simultaneously decrypting and re-encrypting the encrypted content using a combination of the first and second cipher streams"* (page 7 par. 2).
- b. Dependent claims 2-11, 13-16, and 18-21 are allowable based upon their dependency on allowable claims 1, 12, and 17 (page 7 par. 3).

However, Examiner disagrees with applicant.

Regarding argument (a), Argument is not persuasive. Kamiya teaches a secure way of distributing digital data to users. A key is divided into plurality parts and delivered to a user in different delivery routs (network) so unauthorized appropriation of one piece of the key information will not compromise the corresponding content data unless and until all other pieces of key information are also appropriated (page 1 par. 0007, page 2 par.

0023 and 0025, and page 3 par. 0029). Kamaya also teaches multiple encryption technique. Encryption keys are simultaneously encrypted and simultaneously decrypted. First encryption key is encrypted by the second encryption key, second encryption key is encrypted by the third encryption key simultaneously and/or the second encryption key is decrypted by the third decryption key, and first encryption key is decrypted by the second decryption key simultaneously, to encrypt or decrypt digital data (page 1 par. 0012, page 4 par. 0042). To further protect the original data that will be outputted the decrypted and decoded digital data is scrambled (re-encrypted) (page 9 par. 0129).

Regarding argument (b), examiner disagrees with applicant. Based on the arguments set forth by the examiner for argument (a), the dependent claims stand rejected.

The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. Therefore, the examiner asserts that the system of the prior art, Kamiya does teach or suggest the subject matter as recited in independent claims 1, 12, and 17. Dependent claims 2-11, 13-16, and 18-21 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action dated August 10, 2005. Accordingly, rejections for claims 1-21 are respectfully maintained.

Rejections

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4. Claims 1-21 rejected under 35 U.S.C. 102(e) as being anticipated by Kamiya et al. (Kamiya, Pub. No.: US 2002/0106086 A1).

As per claims 1 and 12, Kamiya discloses a method/medium having stored thereon data representing sequences of instructions which, when executed by a machine, cause the machine to perform operations comprising:

generating a cipher stream based on a first key for encrypted streamed content (Kamiya page 12 par. 0169 lines 1-6, and page 2 par. 0030 lines 4-6; upstream system/content provider generates an encrypted digital data in using first key);

generating a second cipher stream based on a second key (Kamiya page 12 par. 0174 and page 1 par. 0010; generating encrypted key stream based on a second key) to re-encrypt the streamed content (Kamiya page 9 par. 0123, 0127 and 0129; the downstream system/receiver device re-encrypts the decrypted digital data for further protection);

receiving the encrypted streamed content (Kamiya page 1 par. 0006 lines 1-5 and page 9 par. 0120);

simultaneously decrypting and re-encrypting the encrypted content using a combination of the first and the second cipher streams (Kamiya page 9 par. 0123, 0127 and 0129; encrypted key and encrypted digital data are received separately and combined together to simultaneously decrypt the encrypted key and encrypted digital data and decrypted digital data is further encrypted by the receiver);

conveying the re-encrypted content to a sink (Kamiya page 10 par. [0136-0140 and fig. 4 No. 34).

As per claim 17, Kamiya discloses an apparatus comprising:

a content interface to receive encrypted streamed content (Kamiya page 1 par. 0006 lines 1-5 and page 9 par. 0120);

a computing device to generate a cipher stream based on a first key for encrypted streamed content (Kamiya page 12 par. 0169 lines 1-6, and page 2 par. 0030 lines 4-6; upstream system/content provider generates an encrypted digital data in using first key), to generate a second cipher stream based on a second key to encrypt streamed content (Kamiya page 9 par. 0123, 0127 and 0129; the downstream system/receiver device re-encrypts the decrypted digital data for further protection); and to simultaneously decrypt and re-encrypt the received encrypted streamed content using a combination of the first and the second cipher streams (Kamiya page 9 par. 0123, 0127 and 0129; encrypted key and encrypted digital data are received separately and combined together to simultaneously decrypt the encrypted key and encrypted digital data and decrypted digital data is further encrypted by the receiver); and

a sink interface to convey the re-encrypted content to a sink (Kamiya page 10 par. [0136-0140 and fig. 4 No. 34).

As per claims 2 and 13, Kamiya teaches the method/medium, wherein simultaneously decrypting and re-encrypting the encrypted streamed content comprises exclusive OR-ing the encrypted streamed content with the cipher stream combination (Kamiya page 9 par. 0123, 0127 and 0129;

encrypted key and encrypted digital data are received separately and combined together to simultaneously decrypt the encrypted key and encrypted digital data and decrypted digital data is further encrypted by the receiver);

As per claims 3 and 14, Kamiya teaches the method/medium, teach all the subject matter as described above. In addition Akiyama teach the method, wherein the cipher stream combination comprises a result of exclusive OR-ing the first and second cipher streams (Akiyama page 1 par. 0010-0012, and page 12 par. 0174; encrypted first key that is encrypted by second key and encrypted second key is combined and transmitted to the receiver).

As per claims 4 and 15, Kamiya discloses the method/medium, wherein the first key and the second key have symmetric agreement (Kamiya page 1 par. 21-24).

As per claims 5, 16 and 18, Kamiya discloses the method/medium/apparatus, further comprising receiving one or more of the first key and the second key over a secure authenticated channel (Kamiya page par. 0023, page 4 par. 0047, and page 30 lines 4-6).

As per claim 6, Kamiya discloses the method, wherein receiving a key over a secure authenticated channel comprises receiving the key from a sales server (Kamiya page 3 par. 0030 lines 4-6).

As per claim 7, Kamiya discloses the method, wherein the secure authenticated channel

Art Unit: 2136

comprises an Internet connection (Kamiya Page 8 par. 0014).

As per claim 8, Kamiya discloses the method, wherein the secure authenticated channel comprises a telephone line (Kamiya Page 1 par. 0021, and page 3 par. 0045).

As per claims 9 and 20, Kamiya discloses the method/apparatus, further comprising conveying the second key to the sink to enable the sink to decrypt the re-encrypted content (Kamiya page 9 par. 0123, 0127, 0129, & 0132, and fig. 4 No. 34).

As per claim 10, Kamiya discloses the method, wherein the encrypted streamed content is publicly available and encrypted with a public key and wherein the first key is a locally available private key (Kamiya page 2 par. 0021).

As per claim 11, Kamiya discloses the method, wherein the encrypted content is a broadcasted entertainment program (Kamiya page 5 par. 0074 lines 5-10).

As per claim 19 Kamiya teaches the apparatus, wherein the first key and the second key have symmetric agreement (Kamiya page 1 par. 21-24) and wherein the combination of the first and the second cipher streams is a result of exclusive OR-ing the encrypted content stream with an encryption stream (Akiyama page 1 par. 0010-0012, and page 12 par. 0174; encrypted first key that is encrypted by second key and encrypted second key is combined and transmitted to the receiver).

As per claim 20, Kamiya discloses the apparatus, wherein the computing device conveys the second key to the sink to enable the sink to decrypt the re-encrypted content (Kamiya Page 2 par. [0031-0032]).

As per claim 21, Kamiya discloses the apparatus, wherein the computing device includes a broadcast entertainment set-top box (Kamiya page 5 par. 0074 lines 5-10, and page 7 par. 0098 lines 1-3).

Conclusion

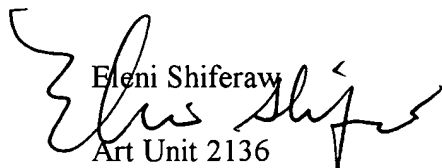
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Eleni Shiferaw
Art Unit 2136
August 10, 2005


Primary Examiner
AU 2136
8/17/05